



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 16, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter, dated February 12, 2009, to the Attorney General, requesting that the U.S. Department of Justice investigate allegations of civil rights violations by the Maricopa County, Arizona, Sheriff's Office. We have sent similar responses to the other Members, who joined in your letter to us.

Thank you for the information you provided in your letter. The Department has carefully considered this information, as well as other information we had previously received regarding the Maricopa County Sheriff's Office (MCSO). The Civil Rights Division had already opened a preliminary inquiry of the MCSO pursuant to the pattern or practice provisions of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"), and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and pursuant to the prohibitions against national origin discrimination in Title VI of the Civil Rights Act of 1964 ("Title VI"), 42 U.S.C. §§ 2000d to 2000d-7, and the Safe Streets Act § 3789d(c). Subsequently, the Department opened an investigation focusing on three areas: discriminatory police practices, unlawful searches and seizures, and national origin discrimination in MCSO facilities, including failure to provide meaningful access to MCSO services for limited English proficient speakers. We welcome any additional factual information that you can provide as the investigation unfolds. To that end, we offer the following description of the enforcement authority of the Civil Rights Division under the above-referenced statutes.

The Special Litigation Section is responsible for enforcing Section 14141 that allows the Department to seek equitable relief to remedy a pattern or practice of misconduct by law enforcement agencies, such as a sheriff's department. When a systemic pattern or practice of misconduct is determined to exist, we have the authority to initiate a civil action against state or local officials to remedy the misconduct.

The Honorable John Conyers, Jr.
Page Two

In addition, the Special Litigation Section and the Coordination and Review Section have the authority to enforce the Safe Streets Act and Title VI. Both the Safe Streets Act and Title VI prohibit discrimination based on race, color, or national origin by State or local governments receiving federal assistance. Discrimination on the basis of national origin includes failure to provide meaningful access to services for limited English proficient individuals, an area within the particular jurisdiction of the Coordination and Review Section. For additional information, you may wish to review the Special Litigation and Coordination and Review Sections' websites: <http://www.usdoj.gov/crt/split/> and <http://www.usdoj.gov/crt/cor/>.

We hope this information is helpful. Please do not hesitate to contact this office if we may be of assistance with this, or any other matter.

Sincerely,

A handwritten signature in black ink that reads "M. Faith Burton". The signature is written in a cursive, flowing style.

M. Faith Burton
Acting Assistant Attorney General

cc: The Honorable Lamar S. Smith
Ranking Minority Member